

## **REMARKS**

Claims 1, 2, 4-10, 12-31, 33-37 and 39 are pending in the application. Reconsideration is respectfully requested in light of the following remarks.

### **Finality of the Action:**

The Examiner improperly made the present Office Action a Final Action. The present Action includes **new grounds of rejection** under 35 U.S.C. § 112 (claims 14, 20, and 25) **not necessitated by amendment**. Claims 14 and 20 were not previously amended; therefore, the new rejections of these claims could not possibly have been necessitated by amendment. The terms “rate” and “sparsely” have been in these claims since the application was filed. Thus, the Examiner could have made this rejection at any time. Therefore, the Examiner cannot make this new grounds of rejection final at this late date. According to MPEP 706.07(a), the present action cannot be made Final. Applicant requests withdrawal of the Finality of the present Action pursuant to MPEP 706.07(a) and 706.07(d).

### **Objection to the Specification:**

In regard to the Examiner’s objection to the specification, the functionality described by the means limitations of claim 15 is clearly described in Applicant’s specification in regard to payment device 100 (*see e.g.*, Figure 1 (item 100), Figure 3, Figure 4, and associated descriptions). Thus, it is clearly the payment device that corresponds to the various means. Furthermore, the functionality described by the means limitations of claim 39 is clearly described in Applicant’s specification in regard to credit company computer 330 of Figure 5 (*see e.g.*, Figure 3, item 332; Figure 5, item 330; and associated descriptions). Accordingly, Applicant respectfully requests removal of the Examiner’s objection.

**Section 112, Second Paragraph, Rejection (claims 15 and 39):**

The Examiner rejected claims 15 and 39 under 35 U.S.C. § 112, second paragraph, as indefinite. Applicant traverses the rejection for at least the reasons presented below.

In regard to claim 15, Applicant asserts that it is clear from Applicant's specification that the corresponding structure for the means limitations of claim 15 is payment device 100 (*see e.g.*, Figure 1 (item 100), Figure 3, Figure 4, and associated descriptions). Furthermore, in regard to claim 39, Applicant asserts that it is clear from Applicant's specification that the corresponding structure for the means limitations of claim 39 is database 332 of Figure 3 and computer 330 of Figure 5 (*see e.g.*, Figure 3, item 332; Figure 5, item 330; and associated descriptions). Accordingly, Applicant respectfully requests removal of the Examiner's rejection.

**Section 112, Second Paragraph, Rejection (claims 14, 20 and 25):**

The Examiner newly rejected claims 14, 20 and 25 under 35 U.S.C. § 112, second paragraph, as indefinite. Applicant traverses the rejection for at least the reasons presented below.

In regard to claim 14, the Examiner asserts "[t]he terms 'rate' and 'spar[s]ley' are not defined by the claims, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention." Applicant notes that claim 14 does not include the term "sparsely." Furthermore, Applicant disagrees with the Examiner's assertion. However, to expedite prosecution, Applicant has amended claim 14 to read *further comprising, for a given period of time, limiting the number of performed transactions to prevent rapid read-out of the identifiers*. Accordingly, Applicant's respectfully request removal of the rejection of claim 14.

In regard to claim 20, the Examiner asserts “[t]he term ‘spar[s]ley’ in claim 20 is a relative term which renders the claim indefinite.” The Examiner also asserts “[t]he terms ‘rate’ and ‘spar[s]ley’ are not defined by the claims, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.” First, Applicant notes that claim 20 does not include the term “rate.” Furthermore, Applicant disagrees with the Examiner’s assertion. However, to expedite prosecution, Applicant has amended claim 20 to read *wherein the multiple identifiers are a subset of identifiers selected from a larger set of possible identifiers*. Accordingly, Applicant respectfully requests removal of the rejection of claim 20.

In regard to claim 25, the Examiner asserts “[i]t is unclear how the system establishes an identity of a person who is to hold the account prior to opening the account.” Applicant disagrees with the Examiner’s assertion. However, to expedite prosecution, Applicant has amended claim 25 to read *prior to opening the account, determining an identity of a person who is to hold the account*. Accordingly, Applicant respectfully requests removal of the rejection of claim 25.

### **Section 102(e) Rejections:**

The Examiner rejected claim 16 under 35 U.S.C. § 102(e) as being anticipated by Keresman, III et al. (U.S. Publication 2002/0120583) (hereinafter ‘Keresman’), and claims 30, 31, 33-37 and 39 under 35 U.S.C. § 102(e) as being anticipated by Wheeler et al. (U.S. Publication 2007/0088950) (hereinafter “Wheeler”). Applicant respectfully traverses these rejections for at least the reasons presented below.

### **Claim 16**

**In regard to claim 16, Keresman fails to teach an apparatus for use in making a transaction, including: non-volatile memory containing a set of multiple identifiers, wherein said multiple identifiers are also known to an agency associated**

**with the transaction, and a processor operable to randomly or pseudo-randomly select one identifier from said set of multiple identifiers for use in any transaction.**

The Examiner cites claim 1 of Keresman which discloses “select and dispense a previously unused number from the set of random numbers and display the dispensed number and the unique account identifier in the display device.” **While the numbers disclosed by Keresman may be “random numbers,” Keresman fails to teach that the actual selection of a number by Keresman’s token device 10 is performed in a random or pseudo-random fashion.** Instead, Keresman teaches selecting a “previously unused number.” Nothing about selecting a “previously unused number” (irrespective of whether such number is a random number) inherently includes or requires that token device 10 randomly or pseudo-randomly select the unused number from memory. For instance, the token device could maintain an ordered list of unused numbers and simply select the next unused number from such list.

Thus, for at least the reasons presented above, the rejection of claim 16 is unsupported by the cited art and removal thereof is respectfully requested.

### **Claim 30**

**In regard to claim 30, Wheeler fails to teach (a) receiving a request for a transaction on a given customer account, wherein the request comprises a digital signature generated by a transaction device associated with the customer account, (b) accessing an identifier within the request, and (c) from said multiple sets of identifiers, determining a particular set of identifiers to which the accessed identifier belongs, and from the determined particular set determining a particular customer account for the transaction, wherein the particular customer account is a customer account to which the particular set is associated.** The Examiner cites paragraph [0396], which is reproduced below:

For non-personally owned devices, the identifying information preferably needs to be provided directly by the device. Non-personally owned devices typically read-ID information from the device, create a message with identifying information, compute the SHA-1 hash of the message,

write the hash to the device, and read DSS signature from the device. To support certain business processes, load-ID and read-ID functions are required. There are multiple ID architectures possible. One architecture is a single load-ID operation that is latched so that it can only be executed once. This ID would either be 1) business-process unique ID (e.g., limiting the device to a specific “ID” related function), or 2) device unique—allowing the device to be used in multiple different business processes, but requiring the business process to map the device unique ID to a business process specific ID, for example, an employee ID for building and corporate data process access. Preferably, the actual employee ID is loaded into the device, or a device-unique ID is loaded and the employee access function maps a card unique ID into a employee ID. Another architecture is multiple ID slots that carry a “tag” identifying the associated use. Each slot is latched so that it is only initialized once.

No one of ordinary skill in the art would confuse utilizing an “employee access function” to “map[] a card unique ID into a[n] employee ID” with *from said multiple sets of identifiers, determining a particular set of identifiers to which the accessed identifier belongs, and from the determined particular set determining a particular customer account for the transaction, wherein the particular customer account is a customer account to which the particular set is associated.* If the Examiner is to continue to rely on the Wheeler reference to reject Applicant’s claim, Applicant respectfully requests that the Examiner specify the element of Wheeler that he considers to be equivalent to Applicant’s claimed *multiple sets of identifiers*, Applicant’s claimed *particular set of identifiers to which the accessed identifier belongs*, and Applicant’s claimed *particular customer account*. As the Examiner is certainly aware, MPEP 707.07(d) requires that, in an Examiner’s Action, the ground of rejection should be “fully and clearly stated.” Since Wheeler does not teach the specific elements of Applicant’s claimed invention (arranged as in the claim), Wheeler cannot be said to anticipate Applicant’s claim.

Thus, for at least the reasons presented above, the rejection of claim 30 is unsupported by the cited art and removal thereof is respectfully requested.

### **Claim 36**

**In regard to claim 36, Wheeler fails to teach a stored index that indicates a mapping of each of the sets of multiple identifiers to a corresponding account record of said plurality of stored customer account records, wherein the system is configured to access an identifier within the request, determine a particular set of multiple identifiers to which the accessed identifier belongs, and determine the particular customer account to which the accessed identifier belongs as specified by said index.** In regard to the *index* of claim 36, the Examiner cites paragraph [0396] of Wheeler (reproduced above). Wheeler does not teach an index that indicates a mapping of each of the sets of multiple identifiers to a corresponding account record of said plurality of stored customer account records. Instead, Wheeler teaches an “employee access function” that “maps a card unique ID into a[n] employee ID.” Neither the card unique ID nor the employee ID of Wheeler is the same as an account record. Accordingly, Wheeler’s “employee access function” does not meet the specific limitation of Applicant’s claimed *index*. Furthermore, the claimed *index* indicates a mapping of multiple sets of identifiers to respective account records. By contrast, the “employee access function” of Wheeler maps a single card unique ID to a single employee ID. Accordingly, the “employee access function” of Wheeler (as well as any other element of Wheeler) fails to teach Applicant’s claimed *index*.

In regard to a system configured to determine a particular set of multiple identifiers to which the accessed identifier belongs and determine the particular customer account to which the accessed identifier belongs as specified by said index, the Examiner again cites paragraph [0396]. However, paragraph [0396] teaches determining a single “employee ID,” not determining a particular set of multiple identifiers as recited in Applicant’s claim. Furthermore, since Wheeler fails to teach the *index* of claim 36, Wheeler (by extension) cannot teach *a system configured to determine the particular customer account to which the access identifier belongs as specified by said index*.

Thus, for at least the reasons presented above, the rejection of claim 36 is unsupported by the cited art and removal thereof is respectfully requested.

### **Claim 39**

**In regard to claim 39, Applicant asserts the rejection of claim 39 is unsupported by the cited art for at least reasons similar to those presented above with respect to claim 36.**

**Furthermore, the Examiner has failed to state a *prima facie* rejection of claim 39.** The Examiner rejects claim 39 under the same rationale used to reject claim 36. However, the limitations of claim 39 are different than the limitations of claim 36. For example, claim 39 recites *means for updating a customer account record of the customer account to which the accessed identifier belongs in accordance with the received transaction request* whereas claim 36 does not. Since the Examiner fails to address this limitation of claim 39, the Examiner has not stated a *prima facie* rejection of claim 39.

Thus, for at least the reasons presented above, the rejection of claim 39 is unsupported by the cited art and removal thereof is respectfully requested.

### **Section 103(a) Rejections:**

The Examiner rejected claim 1, 2, 4, 5, 7, 8 and 9-14 under 35 U.S.C. § 103(a) as being unpatentable over Walker et al. (U.S. Publication 2006/02180980 (hereinafter “Walker”) in view of Ritter et al. (U.S. Patent 06,934,689) (hereinafter “Ritter”), claims 17-25 as being unpatentable over Keresman in view of Wheeler, claims 26 and 28 as being unpatentable over Wynn (U.S. Patent RE38,137) in view of Ritter, claim 6 as being unpatentable over Walker in view of Ritter and further in view of Palomo et al. (U.S. Publication 2003/0120527) (hereinafter “Palomo”), claim 8 as being unpatentable over Walker in view of Ritter and further in view of Pitroda (U.S. Publication 2005/0247777), claim 27 as being unpatentable over Wynn and Ritter in view of Wheeler, and claim 29

as being unpatentable over Wynn in view of Ritter and further in view of Braun et al. (U.S. Patent 4,321,672) (hereinafter “Braun”). Applicant respectfully traverses these rejections for at least the following reasons.

### **Claim 1**

**In regard to claim 1, the cited art fails to teach or suggest wherein the apparatus is operable to receive bill details for a given transaction of said plurality of transactions from the terminal through the communications facility, generate a transaction record from the bill details, wherein the transaction record includes a particular identifier selected by the processor from said set of multiple identifiers, and transmit the transaction record to the terminal through the communications facility.** The Examiner cites the teachings of Walker and Ritter, neither of which (considered alone or in combination) teach or suggest the specific limitations of Applicant’s claim. In regard to generating a transaction record, the Examiner cites paragraph [0022] of Walker, which mentions “transaction specific data.” Nowhere does Walker teach (even when combined with the teaching of Ritter) generating a transaction record from “transaction specific data.” Instead, Walker teaches “assessing” “transaction specific data” and combine such data with another data element to produce a “single use financial account identifier.” Nowhere does Walker (even when combined with Ritter) disclose generating a transaction record from the bill details, wherein the transaction record includes a particular identifier selected by the processor from said set of multiple identifiers. Ritter mentions a “payment record” (cited by the Examiner); however, nowhere does Ritter teach or suggest (even when combined with the teachings of Walker) that such payment record includes a particular identifier selected by the processor from said set of multiple identifiers. Accordingly, the cited references (whether considered singly or in combination) fail to teach the specific limitations of Applicant’s claim.

**Furthermore, Walker’s device is not operable to communicate with a terminal; instead, Walker teaches a cardholder communicating with a merchant.** The Examiner cites paragraph [0004] which mentions “wireless connection.” However,



such “wireless connection” pertains to the communication between a merchant and a central database. The “wireless connection” has nothing to with functionality of Walker’s device. The Examiner further cites the phrase “cardholder transmits the single use number to merchant.” Presumably, the Examiner is referring to Figure 3A, which illustrates the cardholder, not Walker’s device, transmitting a single-use credit card number to a merchant. **In fact, by explicitly teaching that communication with merchants is a responsibility of the cardholder, Walker explicitly does not teach an apparatus that includes a communications facility operable to communicate with a terminal. The Examiner fails to provide a response to this argument in the present Office Action.**

**Furthermore, Applicant asserts the Examiner has not stated a proper reason as to why one of ordinary skill in the art would perform the proposed combination.** More specifically, the Examiner asserts it would have been obvious to perform such combination “since the claimed invention is merely a combination of old and known elements, and in the combination each element would merely [] have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.” The Examiner’s reasoning is completely conclusory. For at least the reasons presented above, the cited art fails to teach the specific limitations of Applicant’s claim and thus the proposed combination is clearly not “merely a combination of old and known elements.” Accordingly, the Examiner’s reasoning as to why one of ordinary skill in the art would perform the proposed combination is improper.

Thus, for at least the reasons presented above, the rejection of claim 1 is unsupported by the cited art and removal thereof is respectfully requested. Similar remarks apply to claim 9.

### **Claim 15**

**Furthermore, the Examiner has failed to state a *prima facie* rejection of claim 15.** The Examiner rejects claim 15 under the same rationale used to reject claim 17. However, the limitations of claim 15 are different than the limitations of claim 17. For example, claim 15 recites *means for selecting, for each of a plurality of transactions involving the same customer account, a different identifier from said set of multiple identifiers for use with the respective transaction, and means for creating a respective transaction record for each of the plurality of transactions, wherein the respective transaction record comprises a digital signature that is generated using a cryptographic key* whereas claim 17 does not. Since the Examiner fails to address this limitation of claim 15, the Examiner has not stated a *prima facie* rejection of claim 15.

Thus, for at least the reasons presented above, the rejection of claim 15 is improper and removal thereof is respectfully requested.

### **Claim 17**

**In regard to claim 17, the cited art fails to teach or suggest receiving a public key from the portable transaction device, receiving a transaction record comprising a digital signature from the portable transaction device, and decrypting and validating the digital signature with the public key.** The Examiner cites the teachings of Keresman and Wheeler, neither of which (considered alone or in combination) teach or suggest the specific limitations of claim 17. In regard to receiving a public key from the portable transaction device, the Examiner cites the paragraphs 10 and 44 of Keresman. Paragraphs 10 and 44 of Keresman do not disclose receiving a public key from a portable transaction device. First, while Keresman does disclose “encryption,” this “encryption” is not described as including a public key, much less a public key provided by his device. Furthermore, in Keresman’s system, information is communicated by the user, not the device. For instance, Keresman teaches in paragraph [0039] “the user then requests a number from the token 10 at step 66, and at step 68, the token dispenses ... a number”

and “the user next communicates this number ... to the authentication system...” (emphasis added). Clearly, Keresman fails to teach or suggest anywhere that the user also provides a public key. Even were such teaching disclosed, the public key would clearly not be provided by Keresman’s device (e.g., his “token”). Wheeler mentions a “public key” throughout his disclosure; however, Wheeler’s public key is clearly provided by a separate “Central Key Authority (CKA) database,” not by a portable transaction device. Thus, the cited references (considered alone or in combination) fail to teach receiving a public key from the portable transaction device and by extension cannot teach decrypting and validating the digital signature with the public key (received from the portable transaction device).

**Furthermore, Applicant asserts the Examiner has not stated a proper reason as to why one of ordinary skill in the art would perform the proposed combination.** More specifically, the Examiner asserts it would have been obvious to perform such combination “since the claimed invention is merely a combination of old and known elements, and in the combination each element would merely [] have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.” The Examiner’s reasoning is completely conclusory. For at least the reasons presented above, the cited art fails to teach the specific limitations of Applicant’s claim and thus the proposed combination is clearly not “merely a combination of old and known elements.” Accordingly, the Examiner’s reasoning as to why one of ordinary skill in the art would perform the proposed combination is improper.

Thus, for at least the reasons presented above, the rejection of claim 17 is unsupported by the cited art and removal thereof is respectfully requested.

### **Claim 26**

**In regard to claim 26, the cited art fails to teach or suggest selecting via the portable transaction device, for each of a plurality of transactions involving a same**

customer account, a different account identifier from a set of multiple account identifiers stored on the transaction device for use in transactions, wherein said plurality of transactions includes said given transaction, generating a transaction record on the transaction device, the transaction record incorporating information from the bill and the selected account identifier that is selected via the portable transaction device from said set of multiple account identifiers for said given transaction, and transmitting the transaction record to the terminal. The Examiner cites the teachings of Wynn and Ritter. The Examiner acknowledges that Wynn does not disclose generating a transaction record on the transaction device, the transaction record incorporating information from the bill and the selected account identifier that is selected for said given transaction, and transmitting the transaction record to the terminal. The Examiner relies on Ritter to disclose the aforementioned limitation. More specifically, the Examiner cites column 2, line 60 – column 3, line 10, which is reproduced below:

Then, in the second phase, the financial aspect of the payment transaction can be carried out between the payment transaction partners, the payment request of the payment transaction being transmitted from the payment terminal to the mobile device taking part in the respective payment transaction, and, for example after the payment request has been accepted by the respective customer by means of operating elements of the mobile device, a payment record being prepared in the mobile device in that the payment request is linked to a customer identification of the customer, and, for example, is provided with an electronic signature of the customer, or is executed as a secured certificate, and the payment record being transmitted from the mobile device to the payment terminal taking part in the respective payment transaction, where the payment record is further processed and/or passed on, for example to a clearing point. The advantage of this two-phase procedure consists in that prior to the exchange of financial data of the cashless... (emphasis added).

Ritter (even when combined with the teachings of Wynn) fails to teach or suggest that his payment records (which the Examiner presumably considers to be equivalent to Applicant's claimed transaction terminal) includes an account identifier selected from a set of multiple account identifiers stored on the transaction device. Presumably, the Examiner considers the "electronic signature of the customer" to be equivalent to the account identifiers of Applicant's claim. However, the cited art fails to teach or suggest storing multiple "electronic signature[s] of the customer" on a portable transaction

device, much less selecting, for each of a plurality of transactions involving a same customer account, a different “electronic signature of the customer” from a set of multiple “electronic signature[s] of the customer” stored on the transaction device for use in the transaction, wherein said plurality of transactions includes said given transaction, and generating a transaction record on the transaction device, the transaction record incorporating information from the bill and the selected “electronic signature[s] of the customer” that is selected via the portable transaction device from said set of multiple “electronic signature[s] of the customer” for said given transaction. Furthermore, one of ordinary skill in the art would recognize that an “electronic signature[s] of the customer” would typically be provided by the customer (e.g., during authentication), not selected via a portable transaction device, much less selected from a set of multiple “electronic signature[s] of the customer” stored on the portable transaction device. Furthermore, and “electronic signature” is clearly not an account identifier. Instead, as taught by Ritter, the “electronic signature” is an electronic signature “of the customer.”

**Furthermore, combining the teachings of the cited art would not result in Applicant’s claimed invention.** Even were one to combine the teachings of Ritter with the teachings of Wynn, the resultant system would at best result in a system where Wynn’s “financial transaction records” include the “electronic signature of the customer” as taught by Ritter. However, multiple financial transaction records that include a customer’s electronic signature is not the same as a transaction record that includes an account identifier selected via a portable transaction device.

Moreover, Applicant notes that Wynn describes various versions of his card reader. For instance, in Figure 3 and associated description, Wynn describes a “financial institution version of the card reader.” In Figure 4 and associated description, Wynn describes a “merchant/commercial institution version of the card reader.” Additionally, in Figure 5 and associated description, Wynn describes a “residential version of the card reader.” **While Wynn describes various versions of his card reader (each having distinct functionality), nowhere does Wynn (even when combined with Ritter) disclose that his UFDC interacts with a particular version of his card reader**

**according to the specific limitations of claim 26.** More specifically, nowhere does Wynn (even when combined with the teachings of Ritter) teach or suggest that his UFDC receives bill details for a transaction from a particular version of his card reader (which, presumably, the Examiner equates to Applicant's claimed terminal) through the communications facility and transmits the transaction record to the same version of his card reader through the communications facility.

For instance, in regard to the “merchant/commercial institution version” of his card reader, Wynn discloses:

Advantageously, memory circuit 384 may also be used to store the name of the commercial establishment at which card reader 202 is located, as well as the date, the time, the type of goods or services purchased by the holder of UFDC 201, for transmitting that data to UFDC 201 to be included in the stored financial transaction record. In this manner, this information does not have to be manually keyed in by the operator of card reader 202 for every transaction. Alternatively, that data may be entered manually via keypad 372 which, in one embodiment, represents an alpha-numeric keypad. (column 9, lines 46-56, emphasis added)

As demonstrated above, Wynn discloses that the “merchant/commercial institution version” of his card reader may transmit various information to the UFDC including store name, date, time, as well as the type of goods or services purchased. However, nowhere does Wynn (even when combined with the teachings of Ritter) disclose that a transaction record generated from such information is transmitted to the “merchant/commercial institution version” of his card reader.

In further example, in regard to the “residential version” of his card reader, Wynn discloses:

FIG. 5 shows a residential version of card reader 202 in accordance with one aspect of the present invention. Note that card reader 202 of FIG. 5 preferably does not include the frequency select circuit 350 (seen in FIGS. 3 and 4), since there is typically only one card reader residing at the card holder's residence. Via computer 370, the card holder can retrieve account information such as balance, payable party, date, amount, checks written, monthly/yearly statements, monthly/yearly spreadsheet, and to perform operations involving the financial accounts stored in UFDC 201, such as

home banking, automatic payments, and the like. (column 9, lines 57-67, emphasis added)

As demonstrated above, the card holder can retrieve account information via a computer coupled to the “residential version” of the card reader; however, nowhere does Wynn (even when combined with the teachings of Ritter) teach or suggest that account information is received from the “residential version” of the card reader. Applicant also notes that the description of “account information” above does not include Wynn’s “transaction records.”

Since Wynn (even when combined with the teachings of Ritter) fails to teach or suggest that his UFDC receives bill details for a transaction from a particular version of his card reader and transmits the transaction record to the same version of his card reader, Wynn and Walker cannot be said to teach the specific limitations of claim 26 including a method comprising a.) transmitting the bill from the terminal to the transaction device, b.) generating a transaction record on the transaction device, the transaction record incorporating information from the bill (transmitted from the same terminal) and the selected identifier, and c.) transmitting the transaction record to the (same) terminal.

**Furthermore, Applicant asserts the Examiner has not stated a proper reason as to why one of ordinary skill in the art would perform the proposed combination.** More specifically, the Examiner asserts it would have been obvious to perform such combination “since the claimed invention is merely a combination of old and known elements, and in the combination each element would merely [] have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.” The Examiner’s reasoning is completely conclusory. For at least the reasons presented above, the cited art fails to teach the specific limitations of Applicant’s claim and thus the proposed combination is clearly not “merely a combination of old and known elements.” Accordingly, the Examiner’s reasoning as to why one of ordinary skill in the art would perform the proposed combination is improper.

Thus, for at least the reasons presented above, the rejection of claim 26 is unsupported by the cited art and removal thereof is respectfully requested.

In regard to the § 102 and § 103 rejections, Applicant also asserts that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the rejection has been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time. Applicant reserves the right to present additional arguments.



## **CONCLUSION**

Applicant submits the application is in condition for allowance, and notice to that effect is respectfully requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-20500/RCK.

Respectfully submitted,

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